

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-13 are pending. Claims 1, 6, and 11-13 are amended. Claims 1, 6, and 11 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by placing the claims in compliance with 35 U.S.C. § 112, second paragraph. This Amendment was not presented at an earlier date in view of the fact that the Examiner has presented new ground for rejection in this Final Office Action.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 1, 6, and 11 stand rejected under 35 U.S.C. § 112, second paragraph, because the word "substantially" is alleged to be indefinite. This rejection is respectfully traversed.

In order to overcome this rejection, independent claims 1, 6, and 11 are amended herein to correct each of the deficiencies specifically pointed out by the Examiner.

Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Under 35 U.S.C. §103(a)

Claims 1-3, 6-8, and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Allman et al. (UK Patent Application, GB 2,103,043) in view of McMahon (US Patent No. 6,908,168) in further view of Lenz (US Patent 6,311,052).

Claims 2 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Allman et al. in view of McMahon and of Lenz as applied to claims 1 and 6, in further view of Hodsdon (US Patent 4,972,051).

Claims 4 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Allman et al. in view of McMahon and Lenz, as applied to claims 3 and 8 above, and further in view of Schwerer (German Patent Application DE 4,233,721).

Claims 5 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Allman et al., in view of McMahon et al. and Lenz as applied to claims 3 and 8 above, and further in view of Atsuyoshi et al. (JP 04-362613).

Claims 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Allman et al., in view of McMahon et al., Lenz, and Atsuyoshi et al., and further in view of Motoi (US Patent 4,614,406).

These rejections are respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claims 1 and 6 are amended herein to each recite a combination of elements in a vehicle communication apparatus, including the transmitter/receiver being disposed on a rear surface of a handlebar adjacent to the grip so that signals emitting from/to the transmitter/receiver pass directly over a shoulder of the operator of the vehicle to/from a helmet of a rear passenger of the vehicle.

Support for the transmitter/receiver being disposed on a rear surface of a handlebar adjacent to the grip so that signal emitting from/to the transmitter/receiver pass directly over a shoulder of the operator of the vehicle to/from a helmet of a rear passenger of the vehicle, can be found in the specification, for example on page 8, lines 9-14. See also FIGS. 1 and 2.

In addition, independent claim 11 is amended herein to recite a combination of elements in a vehicle communication apparatus, including a cabinet having a shape that is rectangular disposed along a section of a rear surface of a handlebar adjacent to a grip, the cabinet housing the vehicle body side transmitter/receiver, a light emitting element, a light receiving element, a visual display, and communication operating means, the light emitting element and the light receiving element being disposed above the visual display on a rear face of the cabinet.

Support for a cabinet having a shape that is rectangular disposed along a section of a rear surface of a handlebar adjacent to a grip, the cabinet housing the vehicle body side transmitter/receiver, a light emitting element, a light receiving element, a visual display, and communication operating means, the light emitting element and the light receiving element

being disposed above the visual display on a rear face of the cabinet, can be found in the specification, for example on page 5, line 18, to page 6, line 3. See also FIG. 3.

Applicants respectfully submit that the combinations of elements as set forth in independent claim 1, 6, and 11 are not disclosed or made obvious by the prior art of record, including Allman et al., McMahon, and Lenz.

Applicants respectfully submit that none of the documents cited by the Examiner discloses:

a transmitter/receiver being disposed on a rear surface of a handlebar adjacent to the grip so that signals emitting from/to the transmitter/receiver pass directly over a shoulder of the operator of the vehicle to/from a helmet of a rear passenger of the vehicle (as set forth in independent claims 1 and 6 of the present invention), or

a cabinet having a shape that is rectangular disposed along a section of a rear surface of a handlebar adjacent to a grip, the cabinet housing the vehicle body side transmitter/receiver, a light emitting element, a light receiving element, a visual display, and communication operating means, the light emitting element and the light receiving element being disposed above the visual display on a rear face of the cabinet (as set forth in independent claim 11 of the present invention).

Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1, 6, 11 are not disclosed or made obvious by the prior art of record, including Allman et al., McMahon, and Lenz, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Therefore, claims 1, 6, and 11 are in condition for allowance.

Dependent claims 2-5, 7-10, and 12-13 are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel limitations set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

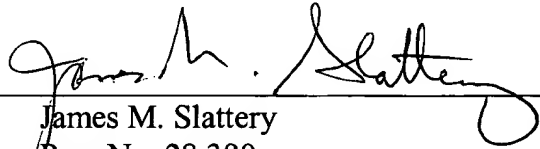
Application No. 09/471,189
Amendment dated April 19, 2004
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery
Reg. No. 28,380

0505-0590P

JMS:CTT/ndb:mks


P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000